

REMARKS

These remarks are in response to the Office Action dated November 29, 2005. Applicant hereby requests a three month extension of time. Authorization to charge the extension fees to Deposit Account No. 50-0951 is attached hereto.

At the time of the Office Action, claims 1-15 were pending in the application. In the Office Action, claims 1-15 were rejected under 35 U.S.C. §103(a). The rejections are discussed in more detail below.

I. Claim Rejections on Art

Claims 1-10 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 19731305A1 (DE '305) in view of U.S. Patent No. 4,475,266 to Suska ("Suska"). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over DE '305 in view of Suska as applied to claim 1, and further in view of U.S. Patent No. 5,542,505 to Kempf.

Prior to addressing the rejections on art, a brief review of claim 1 is believed appropriate. Claim 1 relates to a clearance free hinge for an automotive vehicle seat. The seat comprises a first hinge arm and a second hinge arm, each hinge arm having a bore. The bore of the first hinge arm comprises a retaining zone and a compensation zone located one behind the other. The compensation zone has greater radial inner dimensions than the retaining zone. Further, the compensation zone is defined by an inner lining and a step. The step is oriented substantially in a radial direction and is contiguous to the retaining zone. There is a hinge pin that extends through the bores and a shim member that rests against the inner lining, the step and the hinge pin. The shim member, during assembly of the hinge, is pushed axially toward the step whereby the shim member deforms and fills out any space between hinge pin, step and inner lining. In the assembled state, the retaining zone closely surrounds the hinge pin with a clearance within manufacturing tolerances, the compensation zone selectively receives the shim member and the shim member is supported by the step and does not protrude into the retaining zone.

DE '305 fails to teach any of the following features of claim 1:

- 1) a step oriented substantially in a radical direction and contiguous with a retaining zone;
- 2) a shim member resting against the step;
- 3) during assembly, the shim member being pushed axially toward the step;
- 4) the shim member filling out any space between a hinge pin, the step and the inner lining;
- 5) in the assembled state, the retaining zone closely surrounding the hinge pin with a clearance within manufacturing tolerances;
- 6) the shim member supported by the step; and
- 7) the shim member not protruding into the retaining zone.

Among other features, Suska does not teach the following:

- 1) a shim (only a bushing is disclosed);
- 2) a shim filling out any space between the hinge pin, the step and the inner lining;
- 3) pushing the shim axially toward the step whereby the shim deforms; or
- 4) that the retaining zone closely surrounds the hinge pin with a clearance within manufacturing tolerances.

Applicant notes that Suska teaches a step which acts as the seat for a shim. According to Suska, a transverse annular shoulder portion in the counter bore acts as a seat for the flange 42. This shoulder portion is the step of Suska. It is agreed that there is also a step at the lower of 40 in figure 1, however, this step is neither referred to in the specification nor can it be read as the step against which the shim rests. It is impossible that the bushing 40, 42 of Suska at the same time rests at the shoulder portion and at the step at the lower end of 40. The bushing of Suska can never be made to come in contact with both the shoulder portion and with the step at the lower end of 40 at the same time. If the bushing was dimensioned in accordance with the Examiner's interpretation, the lower end of 40 would rest against the step at this lower end. However, in this

case the annular shoulder does not act as a seat for the flange 42, which is contrary to the teaching of Suska.

In addition, in figure 1, the bushing is not pushed axially at all, and it cannot fill out any space. In the embodiment of figure 2, pintle 20' has a thread. If in figure 2 of Suska, pintle 20' is threaded in during assembly, the flange 42 is pushed further against the shoulder portion against which the flange 42 rests and the flange is deformed. It is impossible to deform the bushing 40 because the flange resting against the shoulder portion takes over all direct pressure of the pintle head. Also, in figure 2, the bushing 40 does not fill out any space.

Even if parts 40, 42 referred to in the office action did show all the features mentioned in paragraph 3 of the office action., it still would not render Suska's hinge clearance free. A person of ordinary skill in the art knows and Suska teaches that the bushing 40, 42 is responsive for low friction (col. 3, line 35) and no noise, but not for no clearance. Suska does not refer to clearance at all.

In addition, it would not have been obvious to modify DE '305 such that DE '305 includes a step between the compensation zone and the retaining zone, because Suska explicitly teaches a step at another place, namely the annular shoulder. The examiner refers to a step at the end of 40 which step exists, but does not have the function of a seat or of the step as claimed.

With respect to paragraph 7 of the office action, Applicant notes that, in an automotive seat, weight is important. Having a length of less than 50% of the axial length of the bore allows for light weight (low mass) seat structures. The hinge of Suska is not apt for an automotive seat, as it is much too long, too bulky and too heavy.

In relation to paragraph 8 of the office action, it should be noted that the step taught by Suska is the annular shoulder. Neither this step nor the step at the lower end of 40, form an angle of between 95 and 111.5 degrees with the lining, but an angle of 90 degrees.

With regard to paragraph 9 of the office action, the step referred to is not the seat. The bushing 40, 42 of Suska does not rest against this step at the lower end of 40, but against the annular shoulder.

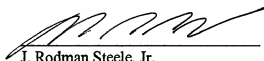
For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is therefore respectfully requested.

II. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

Date: 5-30-06



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Docket No. 200-80